APPENDIX A

Interstate Commerce Act. Title 49, United States Code:

Section 13a(1).

A carrier or carriers subject to this part, if their rights with respect to the discontinuance or change, in whole or in part, of the operation or service of any train or ferry operating from a point in one State to a point in any other State or in the District of Columbia, or from a point in the District of Columbia to a point in any State, are subject to any provision of the constitution or statutes of any State or any regulation or order of (or are the subject of any proceeding pending before) any court or an administrative or regulatory agency of any State, may, but shall not be required to, file with the Commission, and upon such filing shall mail to the Governor of each State in which such train or ferry is operated, and post in every station, depot or other facility served thereby, notice at least thirty days in advance of any such proposed discontinuance or change: The carrier or carriers filing such notice may discontinue or change any such operation or service pursuant to such notice except as otherwise ordered by the Commission pursuant to this paragraph, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any court or State authority to the contrary notwithstanding. Upon the filing of such notice the Commission shall have authority during said thirty days' notice period, either upon complaint or upon its own initiative without complaint, to enter upon an investigation of the proposed discontinuance or change. Upon the institution of such investigation, the Commission, by order served upon the carrier or carriers affected thereby at least ten days prior to the day on which such discontinuance or change would otherwise become effective, may require such train or ferry to be continued in operation or service, in whole or in part, pending hearing and decision in such investigation, but do not for a longer period than four

months beyond the date when such discontinuance or change would otherwise have become effective. If, after hearing in such investigation, whether concluded before or after such discontinuance or change has become effective, the Commission finds that the operation or service of such train or ferry is required by public convenience and necessity and will not unduly burden interstate or foreign commerce, the Commission may by order require the continuance or restoration of operation or service of such train or ferry, in whole or in part, for a period not to exceed one year from the date of such order. The provisions of this paragraph shall not supersede the laws of any State or the orders or regulations of any administrative or regulatory body of any State applicable to such discontinuance or change unless notice as in this paragraph provided is filed with the Commission. On the expiration of an order by the Commission after such investigation requiring the continuance or restoration of operation or service, the jurisdiction of any State as to such discontinuance or change shall no longer be superseded unless the procedure provided by this paragraph shall again be invoked by the carrier or carriers.

APPENDIX B

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

No. 9996 CIVIL

CITY OF WILLIAMSPORT, ET AL., *Plaintiffs*

vs.

UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION and THE PENNSYLVANIA RAILROAD COMPANY, *Defendants*

Before: FREEDMAN, *Circuit Judge*, and SHERIDAN and NEALON, *District Judges*

Opinion of the Court

(Filed March 4, 1968)

By NEALON, *District Judge*

In this case, defendant railroad, pursuant to the provisions of Section 13a(1)[1] of the Interstate Commerce Act,

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[1] 49 U.S.C.A. § 13a(1) provides:

"(1) A carrier or carriers subject to this chapter, if their rights with respect to the discontinuance or change, in whole or in part, of the operation or service of any train or ferry operating from a point in one State to a point in any other State or in the District of Columbia, or from a point in the District of Columbia to a point in any State, are subject to any provision of the constitution or statutes of any State or any regulation or order of (or are the subject of any proceeding pending before) any court or an administrative or regulatory agency of any State, may, but shall not be required to, file with the Commission, and upon such filing shall mail to the Governor or each State in which such train or ferry is operated, and post in every station, depot or other facility served thereby, notice at least thirty days in advance of any such proposed discontinuance or changes. The carrier or carriers filing such notice may discontinue or change any such operation or service pursuant to such notice except as otherwise ordered by the Commission pursuant to this paragraph, the laws or constitution of any

filed a notice of discontinuance of its passenger trains Nos. 570 and 571 between Buffalo, New York, and Baltimore, Maryland. An investigation was ordered by the Interstate Commerce Commission (Commission) and numerous hearings were held. At the conclusion thereof, defendant was directed to continue operation of both trains between Baltimore and Harrisburg, Pennsylvania, the Northern

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State, or the decision or order of, or the pendency of any proceeding before, any court or State authority to the contrary notwithstanding. Upon the filing of such notice, the Commission shall have authority during said thirty days notice period, either upon complaint or upon its own initiative without complaint, to enter upon an investigation of the proposed discontinuance or change. Upon the institution of such investigation, the Commission, by orders served upon the carrier or carriers affected thereby at least ten days prior to the day on which such discontinuance or change would otherwise become effective, may require such train or ferry to be continued in operation or service, in whole or in part, pending hearing and decision in such investigation, but not for a longer period than four months beyond the date when such discontinuance or change would otherwise have become effective. If, after hearing in such investigation, whether concluded before or after such discontinuance or change has become effective, the Commission finds that the operation or service of such train or ferry is required by public convenience and necessity and will not unduly burden interstate or foreign commerce, the Commission may by order require the continuance or restoration of operation or service of such train or ferry, in whole or in part, for a period not to exceed one year from the date of such order. The provisions of this paragraph shall not supersede the laws of any State or the orders or regulations of any administrative or regulatory body of any State applicable to such discontinuance or change unless notice as in this paragraph provided is filed with the Commission. On the expiration of an order by the Commission after such investigation requiring the continuance or restoration of operation or service, the jurisdiction of any State as to such discontinuance or change shall no longer be superseded unless the procedure provided by this paragraph shall again be invoked by the carrier or carriers."

segment, for one year, but was permitted to discontinue operation of these trains between Harrisburg and Buffalo, the Southern segment. Plaintiffs filed this action requesting the Court to enjoin and set aside the Order of the Commission and to order defendant to restore full service of its trains 570 and 571.[2]

As we view this proceeding, the principal issue in the case is whether the Commission had the authority to require operation of both trains in part, from Baltimore to Harrisburg, thus allowing discontinuance of the remaining portion between Harrisburg and Buffalo. Defendant contends that Section 13a(1) authorizes the action taken by the Commission in this case, while plaintiffs argue that "(t)he ordering language of section 13a(1) permits continuance, *in whole or in part,* but such partial continuance is dependant upon the original notice invoking jurisdiction having requested a partial discontinuance." Specifically, plaintiffs assert "(a)bsent proper notice, the I.C.C. is without power to order a partial continuance or to permit a partial discontinuance because any order must be based upon findings, and the findings required to be made by section 13a(1) are specifically tied down to such *discontinuance* as is contained in the notice and made the subject of the investigation."

Section 13a was enacted by Congress as part of the Transportation Act of 1958. The legislative history of that Act reveals Congress' concern about the financial plight of railroads, attributable in part to the losses sustained in operating passenger trains. To discontinue these trains before the enactment of § 13a, the railroads were required in all cases to seek authority from each of the States served. See 104 Cong. Rec. 10842-10843, 10851. Without concurrence of all the States affected, the railroad might be compelled to continue operations despite serious losses.

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[2] The parties were before this Court previously on preliminary matters. See 273 F. Supp. 899 (1967).

New Jersey v. New York, Susquehanna & Western Railroad Co., 372 U.S. 1 (1963). The purpose of Congress in enacting Section 13a(1) was remedial[3] and this statute gave a railroad the right to discontinue interstate passenger trains by serving a notice and supporting statement on the Commission and by posting notices in the trains and stations involved. In addition, notices and statements were to be served on the Governors and the appropriate regulatory agencies of each State. Within thirty days of notice, the Commission has the authority to enter upon an investigation of such discontinuance or change. If the Commission decides not to investigate, then the railroad may discontinue the trains as of the date designated in the notice. See State of New Jersey v. United States, 168 F. Supp. 324 (1958), affirmed 359 U.S. 27 (1959). If the Commission decides to investigate the proposed discontinuance, then the Commission may require ". . . such train or ferry to be continued in operation or service, *in whole or in part*, pending hearing and decision in such investigation, but not for a longer period than four months beyond the date when such discontinuance or change would otherwise have become effective." (Emphasis supplied) After the hearing in such investigation has been concluded, the Commission after appropriate statutory findings are made, may ". . . require the continuance or restoration of operation or service of such train or ferry, *in whole or in part*, for a period not to exceed one year from the date of such order." (Emphasis supplied) Thus, recognizing that under the statute a railroad is free to discontinue the operation or service absent an affirmative order of the Commission, it would appear that Congress intended to confer authority on the Commission to order a partial continuance even though the railroad sought to discontinue the whole run from point of origin to point of termination. This has been the interpretation of the Commission in prior

[3] See New Jersey v. New York, Susquehanna & Western Railroad Co. (supra).

cases,[4] and such interpretation by the agency charged with the administration of the statute is entitled to great weight. Levinson v. Spector Motor Co., 330 U.S. 649 (1947). What the Commission did in the case before us was to order the continuance of the operation of the trains between Harrisburg and Baltimore, while, at the same time, allowing the discontinuance of the operation between Harrisburg and Buffalo which, in effect, required continuance "in part" of the operation sought to be discontinued.[5] The contention that the Commission is restricted to the discontinuance sought in the original notice and cannot order a partial continuance is untenable. This would place the Commission in an administrative strait-jacket and would not comport with the statutory purpose. Its effect would be to penalize the railroad for seeking to discontinue more of the operation than the Commission ultimately decided it was proper to do. There is nothing in the statute or legislative history suggesting such a limitation. As was pointed out in People of the State of California v. United States, 258 F. Supp. 950, 954 (N.D. Cal. 1966), a train discontinuance case under 13a(1):

> "We see no reason for imposing an illogical restriction—one which is at odds with the purpose of Congress—upon a statute which was deliberately drawn in broad and flexible terms."

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[4] See New York Central R. Co. Discontinuance of Service, 307 I.C.C. 167, 171 (1959); Louisville & Nashville R. Co. Discontinuance of Service, 307 I.C.C. 173, 186 (1959); Chicago, M. St. P. & P. R. Co. Discontinuance of Passenger Train Service, 317 I.C.C. 691, 715-716 (1961); Boston & Maine Corp. Discontinuance of Passenger Train Service, 324 I.C.C. 418, 445-446 (1965).

[5] The partial discontinuance between Harrisburg and Buffalo concerned an interstate operation and remained a matter for 13a(1) cognizance.

Moreover, plaintiffs cannot assert prejudice as they were afforded adequate opportunity to oppose the partial discontinuance between Harrisburg and Buffalo.[6]

The remaining points raised by plaintiffs go to the Commission's findings. The function of this Court is limited to ascertaining whether there is warrant in the law and the facts for what the Commission has done. Unless there has been prejudicial departure from requirements of the law or abuse of the Commission's discretion, the reviewing Court is without authority to intervene. *United States* v. *Pierce Auto Lines,* 327 U.S. 515 (1946). We see no reason to disturb the findings and Order of the Commission. The complaint will be dismissed.

Order

Now, March 4, 1968, in accordance with the Opinion this day filed, plaintiffs' complaint is dismissed and the Clerk is hereby directed to enter judgment dismissing said complaint.

By the Court

/s/ William J. Nealon
District Judge

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[6] The proceedings began by notice filed with the Commission on December 7, 1966, wherein the railroad proposed discontinuance of the entire run under Section 13a(1). On January 3, 1967, the Commission instituted an investigation and required the carrier to continue operating the trains for the maximum four-month period authorized by statute. A total of ten days of hearings were held in Harrisburg, Pennsylvania; Williamsport, Pennsylvania; Olean, New York; Buffalo, New York and Washington, D. C. These hearings consumed over 1200 pages of transcript and involved over 50 exhibits. The division of the operation into Buffalo-Harrisburg and Harrisburg-Baltimore segments was first considered at a hearing held February 24, 1967. Plaintiffs were given a one-week continuance to March 3, 1967, in order to prepare evidence relating to the Northern segment. Testimony on this aspect of the case was taken March 3, 6, 7, and 15, 1967. On May 12, 1967, the Division issued its report, finding that the Northern segment might be discontinued while the Southern segment should be continued.

Judgment

This action came on for hearing before the Court, Honorable Abraham L. Freedman, United States Circuit Judge, and Honorable Michael H. Sheridan and William J. Nealon, United States District Judges, presiding, and the issues having been duly heard and a decision having been duly rendered,

It is Ordered, and Adjudged that the complaint, in the captioned case, be and it hereby is dismissed.

[Filed March 4, 1968]

T. H. CAMPION, *Clerk*

PER .....
Deputy Clerk

Dated at Scranton, Pa., this 4th day of March, 1968.

T. H. CAMPION
T. H. Campion
Clerk of Court

APPENDIX C

(Service Date May 12, 1967)

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 24398

PENNSYLVANIA RAILROAD COMPANY DISCONTINUANCE OF TRAINS NOS. 570 AND 571 BETWEEN BUFFALO, N. Y., AND BALTIMORE, MD.

Decided May 3, 1967

Upon investigation, found (a) that the operation by The Pennsylvania Railroad Company of its passenger trains Nos. 570 and 571 between Harrisburg, Pa., and Buffalo, N. Y., is not required by public convenience and necessity and the continued operation thereof will unduly burden interstate commerce; and (b) that the continued operation by said railroad of its passenger trains Nos. 570 and 571 between Baltimore, Md., and Harrisburg, Pa., is required by public convenience and necessity and will not unduly burden interstate or foreign commerce, and such service is ordered continued for a period of 1 year from the date hereof. Investigation discontinued.

Donald A. Brinkworth for The Pennsylvania Railroad Company.

Walter E. Zullig, Jr., for the State Public Service Commission of New York; and *Joseph C. Bruno, Herbert E. Squires*, and *Morton Krase* for the Pennsylvania Public Utility Commission.

T. P. Shearer, Charles J. Sludden, A. H. Cole, Joseph P. Scanlon, and *Ben Krohn* for railway labor organizations.

Gordon P. MacDougall, Abraham I. Okun, Allen R. Brougham, Jr., Henry P. Perciballi, Samuel C. Ranck, Donald R. Bastian, John R. Moriarity, Eugene V. Allison, Sr., Jack E. Paulhamus, Ross B. Grenard, Jr., W. Max Bossert, Robert L. Goetz, Norval J. Remick, J. Fred Munro,

Frank L. Bowen, and *George Hamilton Forman,* for protestants.

Report of the Commission

DIVISION 3, COMMISSIONERS TUGGLE, BROWN AND DEASON

DEASON, *Commissioner:*

Pursuant to the provisions of Section 13a(1) of the Interstate Commerce Act, The Pennsylvania Railroad Company (Pennsylvania Railroad or Carrier) filed a notice on December 7, 1966, in which it proposed to discontinue, effective January 15, 1967, the operation of its passenger trains No. 570 (southbound) and No. 571 (northbound) between Buffalo, N. Y., and Baltimore, Md., a distance of approximately 395 miles. Until July 1, 1966, the southbound train on Saturday and Sunday and the northbound train on Sunday operated on slightly different schedules. The southbound trains were numbered 570 (daily except Saturday and Sunday), 576 (Saturday only), and 572 (Sunday only). The northbound trains were numbered 571 (daily except Sunday), and 573 (Sunday only). Except as may be required for clarity, these trains will be referred to as trains 570 and 571, as they are now operated. Copies of the notice were served and posted in the manner prescribed by Section 13a(1) of the act and the regulations of this Commission.

Upon consideration of petitions and letters of protest filed on behalf of individuals, business establishments, labor associations, community organizations, and regulatory commissions of affected states, an investigation of the proposed discontinuance of service was instituted by order of January 3, 1967. The order required continued operation of the trains for a period not exceeding four months beyond the date when the discontinuance would otherwise have become effective. Because of the statutory limitation upon the time available for investigation and decision, the order provided for the omission of a report and recommended order by the examiner and for certification of the

record to us for an initial decision. Hearings were held and briefs have been filed.

MOTION TO DISMISS

The Maryland Public Service Commission did not appear at the hearings to protest the proposed discontinuance. At approximately the date for the filing of briefs it filed a petition for dismissal of the proceedings with respect to the operation of the trains between Baltimore and Harrisburg. It is urged that the carrier failed to invoke the jurisdiction of the Commission under Section 13a(1). That position is based upon the contention that carrier's schedules advertise a through service between Baltimore and Pittsburgh, Pa., by trains 16 and 25 but that neither the posted notice nor the supporting statement disclosed that the proposed discontinuance involves the discontinuance of the "Washington/Baltimore sections" of trains 16 and 25 serving in both directions through Harrisburg between Pittsburgh and Baltimore. The petition asserts that the supporting statement does give notice to the Maryland commission that discontinuance would affect service between New York/Philadelphia and Buffalo.

A motion or petition to dismiss is not appropriate in a 13a(1) proceeding since an order requiring continuation of the service, or an order discontinuing the investigation, may be entered only after hearing and upon the requisite statutory findings. *St. Louis-San Francisco Railway Co. Discontinuance of Trains Nos. 3 and 4 Between St. Louis, Mo., and Oklahoma City, Okla.*, Finance Docket No. 23547, decided August 9, 1965 (not yet printed); and *Missouri Pacific Railroad Co. Discontinuance of Trains Nos. 11 and 12 Between St. Louis, Mo., and Pueblo, Colo.*, Finance Docket No. 23853, decided March 22, 1966 (not yet printed). The petition for dismissal is denied, and petitioner's position will be treated as an argument that the Commission should discontinue the investigation for lack of jurisdiction, and order continuance of the involved passenger operations.

Apparently petitioner urges that, in order to discharge its responsibility to the citizens of Maryland, petitioner must be notified in the posting notice or in the supporting statement that an "advertised through service" will be discontinued. The statutory requirements with which the carrier must comply to invoke the jurisdiction of this Commission through the proper posting of notice and the filing and serving of copies of the notice and the supporting statement are discussed in *Chicago, M. St. Paul & P. R. Co. Discontinuance of Trains,* 317 I.C.C. 761.

As described above and in the following section of this report, trains 570 and 571 operate south and north through Harrisburg. Trains 16 and 25 operate east and west between Pittsburgh and New York on the mainline, also operating through Harrisburg. Petitioner relies upon schedules which are in evidence for the contention that carrier advertises, in the New York, Philadelphia, Washington, and Baltimore to Pittsburgh schedule, and in the reverse direction schedule, a through service between Baltimore and Pittsburgh. In both directions the schedules of trains 16 and 25 show by an appropriate symbol and footnote that the service is provided by connecting trains and that passengers must change trains in Harrisburg. In *Missouri Pac. R. Co. Discontinuance of Trains,* 320 I.C.C. 383, 385, express-baggage and pullman cars were physically transferred to connecting trains. A similar contention was rejected in that case. The Commission held that statutory notice and posting requirements "are satisfied by the posting of notices at all of the stations, depots, or other facilities served by the specific trains involved in the proceeding in question." The same conclusion is warranted under the record in this proceeding. Petitioner acknowledged due service of copies of the notice and supporting statement upon the Governor and the regulatory commission of the State of Maryland. The notice and the supporting statement fully comply with Section 13a(1) and our regulations.

Description of trains—Among others, carrier operates a north-south line of railroad between Buffalo and Harrisburg, Pa., and between Harrisburg and Baltimore. At Harrisburg this line intersects the east-west main line serving Chicago, Ill., and St. Louis, Mo., on the west, Philadelphia, Pa., and New York, N. Y., on the east, and numerous intermediate points. Train 570, terminating at Baltimore, is the Baltimore Day Express; and train 571, terminating at Buffalo, is the Buffalo Day Express. Train 570 leaves Buffalo at 9:15 a.m. and arrives in Baltimore at 8:45 p.m.; and train 571 leaves Baltimore at 8:15 a.m. and arrives in Buffalo at 8:05 p.m. The train schedules and the points served are shown in Appendix A. Populations of the points served are shown in Appendix B.

Each train is powered by 2 diesel-electric locomotives. The consist of head-end equipment assigned to the trains varies according to the volume of traffic on different days of the week. The normal consist includes one 60-reclining-seat coach. Coaches are added as required for weekend and holiday traffic. Until August 26, 1966, when it was discontinued by the Post Office Department, the consist also included a Railway Post Office car six days a week.

With the exception of Buffalo, all of the stations along the route are owned and operated by carrier. At Buffalo the trains operate in and out of the New York Central Railroad terminal under a contract between Pennsylvania Railroad and New York Central.

Other passenger service—Carrier also operates a pair of overnight passenger trains between Baltimore and Buffalo. Train 574, the Southern Express, leaves Buffalo at 7:45 p.m. and arrives in Baltimore at 8:10 a.m. Train 575, the Northern Express, leaves Baltimore at 7:55 p.m. and arrives in Buffalo at 8:30 a.m. Train 554 southbound in the afternoon, and train 549 northbound in the evening, serve between Harrisburg and Baltimore. Carrier has not proposed any change in the services of those trains. Their schedules are included in Appendix A.

Effect on employees—Discontinuance of the trains would abolish the jobs of 19 on-train men; 6 enginemen and 3 trainmen between Buffalo and Renovo; 2 enginemen and 4 trainmen between Renovo and Harrisburg; and 2 enginemen and 2 trainmen between Harrisburg and Baltimore. These men would exercise their seniority. Because of a shortage of manpower, carrier does not anticipate that the bumping process will cause any train employee to lose employment. In the Williamsport district 15 men were hired for 1966 vacation work, of whom 5 quit and the other 10 are still employed. Carrier would abolish the jobs of 10 station employees who would not be required upon discontinuance of the trains.

Financial Data—Carrier's general balance sheet as of September 30, 1966, shows assets totaling $2,445.5 million, including current assets $228.2 million, special funds $25.3 million, investments $787 million, transportation property, less accrued depreciation and amortization of defense projects, $1,365.4 million, miscellaneous physical property, less accrued depreciation $12.3 million, and other assets $27.2 million. Liabilities consisted of current liabilities $172.9 million, long-term debt due within one year $52 million, long-term debt $611.7 million, reserves $32.8 million, other liabilities and deferred credits $153 million, capital stock $139.2 million, capital surplus $543.3 million, and retained earnings $740.5 million.

Income statements for 1964, 1965, and the first nine months of 1966 show, respectively, railway operating revenues of $873.2 million, $892.6 million, and $673.2 million; net railway operating income of $39.2 million, $45.5 million, and $42 million; and net income after fixed charges and interest $29.1 million, $33.9 million and $33.4 million.

Financial results of operation—Pennsylvania Railroad submitted exhibits designed to reflect the revenues, selected expenses, and financial results of operating trains 570 and 571 between Buffalo and Baltimore for the calendar years

1964 and 1965, the first 6 months of 1966, and the fiscal year July 1965 through June 1966 (fiscal 1966). The fiscal 1966 results were computed both with and without the RPO car in order to show the effect of discontinuance of the RPO car upon operating results. The exhibits show the following claimed losses, respectively: 1964 deficit $89,074, including RPO revenues $228,072; 1965 deficit $166,943, including RPO revenues $220,080; first half of 1966 deficit $101,285, including $107,124 RPO revenues; fiscal 1966 deficit $185,090, including RPO revenues $217,158; fiscal 1966, excluding RPO revenues and related expenses, deficit $320,134.

The claimed losses are stated here to show the progressive worsening of the financial results of operating the trains. The exhibits are not prepared on the out-of-pocket loss basis required by Commission decisions in 13a(1) proceedings, and would require revision in order to reflect results which would be acceptable to show out-of-pocket losses incurred. Other exhibits and extensive oral evidence at the hearings reflect the required adjustments. Those adjustments should have been made in the exhibits under the well-known out-of-pocket savings rules which are applicable, and would have avoided an undue amount of oral evidence at the hearings.

Revenues of $109,301 were received from the Post Office Department in fiscal 1966 to cover terminal mail-handling charges, and these were not considered in computing the above deficits. Adjusted for the portion of that revenue which carrier would continue to earn for handling retained mail traffic, the lost revenue would be $74,433. That figure is overstated, however, because it includes reimbursement for classification, switching, and other station services for which no offsetting expense has been shown or claimed, and because the above deficits do not account for a saving of $76,327 in wages of station employees whose positions would be abolished. The exhibits include $16,854 in joint facility expense for fiscal 1966, principally $16,500 in fixed rental, which cannot be saved, and from a comparison with the

figures for the other reporting periods approximately the same amount obviously was included there. These and other necessary adjustments have been made in the following restatement of fiscal 1966 results and pro forma results of operation.

Financial Results of Perations, Fiscal 1966. Adjusted to Exclude R.P.O. Car.

	Comparison of data to compute Harrisburg-Baltimore results	Baltimore-Buffalo	Harrisburg-Buffalo	Harrisburg-Baltimore
1	Revenues	789,010	554,133	234,877
2	Expense	1,171,307[1]	909,912[2]	261,395
3	Savable loss	382,297	355,779	26,518
	Pro Forma Result to System of Discontinuance			
4	Feeder revenue loss	156,480	63,666	92,814
5	Saved expense	225,817	292,113	(66,296)[3]
6	Other savable costs[4]	33,364	33,364	
7	Total savings	259,181	325,477	(66,296)[3]
	Pro Forma Results of Operations, Fiscal 1967, Based on 1966 Operations. Adjusted to Exclude R.P.O. Car, and at 1967 Levels of Revenue, Wages, and Costs.			
8	Terminal handling[5]	109,301	64,461	44,840
9	Express revenue[6]	11,479	7,502	3,977
10	Total rev. adjustment	120,780	71,963	48,817
11	Additional costs[7]	50,057	35,237	14,820
12	Added revenue	70,723	36,726	33,997
13	Savable loss, line 3 minus line 12	311,574	319,053	(7,479)[3]
14	Lost express rev.[8]	4,380	1,431	2,949
15	Total savings, line 7 minus line 14	254,801	324,046	(69,245)[3]

[1] Includes $76,327 savable station employee expense, $11,114 joint facility costs, and 2,690 injuries to persons.

[2] Includes $63,278 savable station employee expense, $11,114 joint facility costs, and 2,690 injuries to persons. No injuries to persons were claimed for the operations between Harrisburg and Baltimore.

[3] Loss to system.

[4] Saving for cost of time lost by track crews in clearing single track for trains 570 and 71.

[5] Terminal mail handling costs paid by the Post Office Department. This revenue was ot included in line 1 because it includes payment for loading, sorting, classification, switching, nd other station services.

[6] Added fiscal 1967 express revenue derived from increased rate per car foot mile.

[7] Increased 1967 costs of fuel, supplies, wages, and fringe benefits; and adjusted to xclude swing brakemen previously operating between Buffalo and Port Allegheny.

[8] Additional loss of feeder express revenue accruing from increased 1967 rate per car oot mile.

Passenger revenues were computed from one test week in each consecutive 2 months (January and February, March and April, etc.) in 1965 and the first 6 months of 1966. The above results used the 6 test weeks of fiscal 1966. The number of revenue passengers by class of fare (first class, coach, family plan, and furlough) and the total revenue by class was developed for the test weeks and used to arrive at an average rate per passenger over each of the 3 districts in the above table; and over carrier's lines west of Harrisburg, east of Harrisburg, and south of Baltimore for feeder revenues. These average rates were then applied to the total number of revenue passengers in each 2-month period for each of the 6 districts to arive at on-train and feeder revenues. Total passenger count was taken from a compilation of conductors' daily revenue passenger count by district. The test periods were reasonably representative and the methods used should result in a reasonably accurate statement of revenues.

Mail revenue is actual and was abstracted from records of charges against the Post Office Department. Mail is separately billed for each train, not for the total movement on carrier's railroad. Express revenue was computed by multiplying the actual car foot miles by the then current rate per car foot mile. Total car foot miles generated by each train are separately reported to the carrier by Railway Express Agency. In *Pennsylvania Railroad Company Discontinuance of Passenger Train Service between Buffalo, N. Y., and Harrisburg, Pa.*, Finance Docket No. 21986 (not printed) decided July 27, 1962 (prior case), carrier proposed to discontinue trains 570 and 571 north of Harrisburg. After investigation the Commission ordered the trains continued for a period of one year. Protestants attack the mail and express revenues in this proceeding principally based upon a comparison with revenues in the prior case, and based upon testimony that on occasions more mail and express cars were transported on the trains than are accounted for in the programmed consist of the trains. As

noted above the revenues reported are the actual revenues, computed from records of actual movements and revenues for each train, and would include any extra cars moved above the programmed consist.

Newspaper and milk revenues were developed from a test week of June 19, 1965, for each of the trains. Again protestants' criticism was principally based upon comparison with the prior case and upon the use of a test week in the computation. In the prior case the on-train newspaper revenue was $7,284, and the feeder revenue $65,744; whereas in this proceeding the on-train revenue was $5,449 in fiscal 1966 with no feeder revenue shown although there could have been some insignificant feeder revenue from Philadelphia papers. In the prior case the larger revenues were earned on carload shipments, on the newspaper rate, of a weekly newspaper published in Williamsport and transported by carrier to its St. Louis terminal. During the time covered by financial data in this proceeding those newspapers moved in mail service at mail rates, which did not necessarily move on subject trains. A conductor who works on trains 570 and 571 testified for protestants that newspapers now move on the trains but that they "don't have too many." The night trains handle most of the newspaper shipments.

In the prior case on-train milk revenues were $5,424 with feeder revenues of $117. In this proceeding the fiscal 1966 milk revenues were $1,160 with no feeder revenues shown. A witness for protestants testified that a Buffalo creamery receives approximately 2600 cans of cream annually at 40¢ per can (the empty cans are returned without charge), which would produce $1,040 of the total $1,160 milk revenue. All of the Buffalo milk shipments originated between Harrisburg and Buffalo. The remaining $120 milk revenue could not produce any significant feeder revenues.

The passenger, mail, and express feeder revenues were computed in substantially the same manner as the on-train

revenues, using 5 test weeks. The 50 percent formula for determining the cost of transportation on connecting trains was applied to those revenues to determine the net loss of feeder revenues. A printing concern at Hanover, Pa., ships printed material by storage mail over a freight branch line to York, 27 miles south of Harrisburg, and from York on trains 570 and 571 to Harrisburg for transfer beyond. The test weeks included some of those movements but none of Hanover-to-St. Louis or Hanover-to-Chicago cars, which move at indefinite intervals. The Hanover-to-Pittsburg traffic produced $1,730 in gross contributory revenues. Carrier's rail mileage Harrisburg to Pittsburgh is 244.7, to St. Louis is 856 (approximately three and one-half times the Pittsburgh mileage), and to Chicago 713 (approximately 3 times the Pittsburgh mileage). Assuming, in the absence of evidence, that the St. Louis and Chicago shipments are about equal to the Pittsburgh shipments, the St. Louis traffic would produce approximately $6,055 gross or $3,028 net contributory revenue; and the Chicago traffic would produce approximately $5,190 gross or $2,595 net contributory revenue, or a total of $5,623 in net contributory revenue. That revenue would apply only to the Baltimore-Harrisburg segment of the routes of trains 570 and 571.

A traffic analysis of revenue passenger traffic by carrier's sales department resulted in a determination that 18.3 percent of the passenger revenue of trains 570 and 571 would be retained on the remaining service and that the balance would be lost. Studies of traffic patterns and alternate modes of travel resulted in judgments that the following traffic would be retained: 10 percent of intra-district traffic (the districts are Buffalo to Renovo, Renovo to Harrisburg, and Harrisburg to Baltimore); 20 percent of the inter-district traffic between 2 or 3 of the districts; and 25 percent of the traffic transferring at Harrisburg to or from points to the east and west on the main line. Those findings

were reduced to the weighted average of 18.3 percent retention of passenger revenue.

The amount of mail and express traffic revenue that would be retained on remaining passenger trains was an estimate based upon the character of mail and express moving on trains 570 and 571, the flow of traffic, and knowledge of the kind of service which the Post Office and express company are trying to provide, gained from day-to-day contacts with their agents. Retained mail revenue includes $49,330 annually which the Post Office estimated would be handled in the baggage car after the RPO car was discontinued. Carrier estimates that up to the date of hearings the actual revenues fell approximately 30 percent below that estimate. Carrier does not expect to retain any of the newspaper or milk revenues on the night trains.

No on-train baggage revenue was reported, based upon the test period which developed none. Each passenger is entitled to check 150 pounds of baggage free, but is required to pay for excess weight. The total system baggage revenue for the Pennsylvania Railroad System in 1965 was $132,193. Considering the passenger traffic pattern and characteristics, carrier believes that any excess baggage charges on trains 570 and 571 would be insignificant.

Protestants earnestly contend that all feeder revenues should have been included as revenues in computing financial results of the operation of trains 570 and 571. The feeder revenue is revenue earned by connecting Pennsylvania Railroad passenger trains on traffic originated, transported, or terminated by the involved trains and is in no sense revenue earned by trains 570 and 571 which should be included in the revenue of trains 570 and 571. It is useful and important in determining whether system revenues will be improved by savings, or injured by losses, upon discontinuance of the involved trains; and, ultimately, in the determination of whether the operation of the trains is an undue burden on interstate commerce. See *Southern Pac.*

Co. Partial Discont. of Passenger Service, 320 I.C.C. 740, 749.

Train crew costs consist of wages (including fringe benefits) abstracted from time slips of the crews operating the trains. Crew cost savings are based upon the savings of train crewmen wages after recoupling train and engine crews upon discontinuance of trains 570 and 571, plus additives for increased wages and fringe benefit costs, and after eliminating the position of a swing brakeman run between Buffalo and Port Allegany which was abolished December 5, 1966.

Equipment costs are computed by multiplying the locomotive ton miles and the car miles operated by the appropriate system average costs. Savings are similarly computed on the saved locomotive ton miles and car miles. Equipment depreciation is computed on the rates approved by the Commission. Joint facility expense is applicable only at the Buffalo terminal. That expense, as included in the above computations, is the difference between the total cost for units now using those facilities and the total cost for units which will use the facilities after discontinuance of the trains, conforming to approved procedures. Saved station expense includes only the wages and fringe benefit costs of 10 station employees whose positions would be abolished upon discontinuance. Injuries to persons is the annual average for the five fiscal years 1962 through 1966 of claims involving trains 570 and 571 between Harrisburg and Buffalo. No computations were made, or savings claimed, between Harrisburg and Baltimore.

Maintenance of way and structures savings are based on the elimination, upon discontinuance, of delays and time lost by track crews in clearing single track for train 570 between Buffalo and Muncy, Pa., and for train 571 between Rockville, Pa., and Renovo, all north of Harrisburg. Studies were made, involving only gangs using heavy equipment, which developed the actual number of days worked and the

average lost time per train and per day. The lost time occasioned by these trains was applied to the number of men and the number of days worked to compute the wage value of the time lost. No cost other than wages was computed or claimed. The study also included a comparison of units of work completed without interruption and the units completed when interruption was caused by the trains. There was some interruption on double tracks, amounting to 5 to 10 minutes per train, but it was not computed or claimed because precise computation was difficult. The studies demonstrate that the claimed savings will accrue upon discontinuance.

The methods employed in computing revenues, feeder revenues, costs, and savable costs fairly follow methods approved by the Commission; and the results, after the indicated adjustments, fairly state revenues and costs.

Protestants sponsored, through a consultant, a study of results of operation between Buffalo and Harrisburg. In the main the consultant rejected the current revenue and cost studies made by carrier but made no studies of his own, and is not personally familiar with the operation or equipment of the trains. He presented no cost studies relating to the results of operations between Baltimore and Harrisburg.

The consultant computed passenger revenues as follows: He analyzed the passenger counts for 1961 in the prior case and for fiscal 1966, and concluded that the number of revenue passengers had declined by 5.5 percent in the intervening 5 years; he then reduced the 1961 on-train revenues by 5.5 percent to calculate fiscal 1966 on-train revenues; and to that figure he added 10 percent for fare increases in the 5-year period. The actual revenue passenger count taken from the conductors' daily reports for 1961 and 1965 (the total 1966 figures are not in the record), discloses that the trains transported 54,550 revenue passengers between Harrisburg and Buffalo in 1961, and 34,781 in 1965, or a decline

of 36.2 percent in 4 years instead of consultant's 5.5 percent in 5 years. In view of the probability that traffic patterns have changed, it is questionable procedure to attempt to compute revenues as a percentage of some prior year's revenues. Consultant also concluded that feeder revenues should be 50 percent of on-train revenues and applied that percentage to the calculation of on-train revenues. Both computations are based upon assumptions and neither is factual.

Other revenues are, in large part, prepared from somewhat similar computations and comparisons with 1961 results from the prior case. In addition, the consultant improperly included in the feeder revenues of trains 570 and 571 all revenues forecast as earned by connecting railroads which participated with Pennsylvania Railroad in the total transportation of traffic. Since those revenues are not carrier's system revenues, they may not be included.

The consultant would substantially reduce costs of operation claimed by carrier. Most of his reductions are based upon cost accounting theories and formulas. As already discussed, the Commission required that cost computations must develop out-of-pocket costs, and has uniformly approved system average costs per unit as a reasonable method of computing savable costs. The consultant objects to the use of locomotive and car depreciation based upon his belief that no equipment would be retired. The record establishes that 2 diesel units, 2 coaches, and 6 head-end cars would be retired upon complete discontinuance of the trains, and computations were adjusted for one turn-around train between Baltimore and Harrisburg in the event of discontinuance between Harrisburg and Buffalo. No purpose would be served by detailed discussion of the procedures employed by the consultant since they do not conform to the approved methods of computing out-of-pocket costs, and no persuasive reason appears for adopting the proposed procedures.

The adjusted financial results of operating the trains for fiscal 1966, pro forma fiscal 1966, and pro forma fiscal 1967 establish the following results: The 312 mile operation of the trains between Harrisburg and Buffalo produced savable losses of $355,779, $325,477, and $324,046, respectively; and the 83-mile operation between Baltimore and Harrisburg produced a savable loss of $26,518, a loss of revenue to the system of $66,296, and a loss of revenue to the system of $69,245, respectively. We find that the operation of trains 570 and 571 between Buffalo and Harrisburg is an undue burden on interstate commerce; and that the operation of trains 570 and 571 between Baltimore and Harrisburg is not a burden on interstate commerce.

Passenger utilization—In the discussion of protestants' proposed method of computing passenger revenues, it was noted that the total number of revenue passengers on trains 570 and 571 in 1965, between Buffalo and Harrisburg, had declined 36.2 percent from 1961. The decline for the same period was 37.7 percent between Harrisburg and Renovo, and 34.2 percent between Renovo and Buffalo. The decline continued during the first 6 months of 1966. The "from and to" counts of passengers in this proceeding are made from 9 test weeks February 1965 and November 1966, using conductors' daily revenue passenger counts. Protestants introduced into evidence summaries of similar counts made for 1959, 1960, and 1961, which were used in the prior case, and which show the daily average number of revenue passengers. Those studies were confined to the Harrisburg-to-Buffalo operation. The studies in this proceeding include the Baltimore-to-Harrisburg as well as the Harrisburg-to-Buffalo operations. Combining the daily and weekend trains to conform to the current operation of trains 570 and 571, the daily averages of revenue passengers per trip are:

	1959	1960	1961	1965-1966
Train 570	62.6	57.1	53.7	44.3
Train 571	57.1	57.1	54.0	39.2

Those averages confirm the downward trend in use of the trains by revenue passengers, particularly considering the fact that the more heavily used Baltimore-to-Harrisburg section is included in the 1965-1966 averages.

Alternate transportation—Competition from private automobiles over substantially improved highways, including interstate and limited access highways, continues to decrease intercity railroad passenger patronage. Bus transportation over the improved highways at lower-than-rail fares continues its strong competition. Commercial airline travel because of its speed and convenience continues to attract a larger share of long-distance passengers. Those factors of competition have affected traffic on trains 570 and 571 as demonstrated by testimony at the hearings, including testimony of some of the public witnesses.

Pennsylvania Railroad's alternate night train service between Baltimore and Buffalo and afternoon and evening train service between Baltimore and Harrisburg have been described, and the schedules are shown in Appendix A. The night trains depart from terminals in the early evening and arrive at terminals at 8:10 a.m., and 8:30 a.m., on schedules which are generally preferred for business, shopping, and other such trips were the traveller wants to spend the day in his activities and start home that same night. The night trains have sleeping cars for the full trip and dining service on the southern trip between Harrisburg and Washington. The night train schedules between Renovo and Harrisburg would admittedly be inconvenient for passengers who prefer daytime travel. Seven stations, which have only an occasional passenger boarding trains 570 and 571, would not be served by the night trains. Those stations and their populations are: Franklinville, N. Y., 2,124; Eldred, Pa., 1,107; Jersey Shore, Pa., 5,613; Muncy, Pa., 2,830; Glen Rock, Pa., 1,546; New Freedom, Pa., 1,395; and Arcade, N. Y., 1,930. None of those stations is more than 21 miles from a night-train station. Carrier would stop the night

train at the stations if there were any substantial demand for service.

Most stations served by trains 570 and 571 have adequate bus service, and the principal points have frequent through bus service to intermediate points and to termini of the trains and of connecting trains. Only two communities north of Harrisburg have no regular bus service, and only two communities south of Harrisburg do not have through bus service. The two north of Harrisburg have a total population of 6,713 and will have rail service on the night trains. The two south of Harrisburg have a total population of 2,941. They are not served by the night trains but together contribute about one passenger every three days on trains 570 and 571, and they are only 15 and 20 miles from the nearest rail service. The principal cities have available air service.

Evidence in opposition—State and local officials; representatives of civic, religious, and charitable organizations; businessmen; professional men; and members of the public appeared at the hearing to make statements or give evidence in opposition. Public officials and civil leaders opposed the discontinuance on the ground that continued economic development and expansion of industry in the area served by the trains is dependent upon retention and expansion of all available public transportation, including railroad passenger service; and that discontinuance would adversely affect the economy, the colleges, and the developing resort and recreational business in the area.

Business and professional men testified to the need for both passenger and head-end service. They expressed concern that alternate service on head-end traffic would be less dependable, less satisfactory, and more expensive. Business trips by train are convenient and comfortable, and the service is dependable while other means of transportation are subject to interruption, especially under adverse weather conditions.

Students and teachers use the trains to and from school and in the holiday travel. Disabled and elderly persons find trains more convenient and comfortable in travel for medical attention and other reasons. Members of religious orders travel on the trains in the performance of their duties. Some passengers are afraid to travel by air, or find air travel expensive, and prefer rail to bus travel.

Protection of employees adversely affected—It is well established that this Commission has no authority to impose employee protective conditions in a Section 13a discontinuance case, although the probable adverse effect of discontinuance upon employees is a factor to be considered in evaluating the public convenience and necessity. In our opinion, the probable adverse effect upon the carrier's employees, when considered with other factors discussed herein, does not justify the findings which we would be required to make before we may order the continuance of the involved trains.

Discussion and Conclusions

In a proceeding under Section 13a, the factors to be considered, among others, include the effect of the discontinuance upon the localities served, the use presently made of the service sought to be discontinued by the public, the availability of alternative transportation service to the public in the area, and costs incurred and the financial losses sustained by the carrier in providing the service. The burden upon the carrier and upon interstate commerce must be weighed against the need for the service. A substantial need for the service under certain circumstances might justify the continuation of the service, even though it be performed at a loss to the carrier. For example, discontinuance of a particular service might inflict upon the affected communities serious injury while continuation of the service would impose a relatively light financial burden upon the carrier.

As previously found, loss from operation of trains 570 and 571 in fiscal 1966, adjusted to exclude the RPO car, are $355,779 between Harrisburg and Buffalo and $26,518 between Baltimore and Harrisburg. RPO revenues excluded were $217,158. The mileage between Baltimore and Harrisburg is 83 miles or approximately 21 percent of the total 395 mile run. Applying that percentage against total revenues, the latter run earned $45,603 and the Harrisburg-Buffalo run earned $171,555 of the fiscal 1966 RPO revenues. Adjustment of the above losses to show RPO revenues establishes that actual fiscal 1966 operations resulted in a loss of $184,224 between Harrisburg and Buffalo and a net profit of $19,085 between Baltimore and Harrisburg. The financial data further show that, on a pro forma basis, there would be a system loss of $69,245 in fiscal 1967 upon discontinuance of the trains between Baltimore and Harrisburg, principally from loss to the system of feeder revenue attributable to that route, the bulk of which traffic moves on the main line west of Harrisburg. The financial data for fiscal 1966 further show that slightly less than 30 percent of the revenues of the trains is earned over the 21 percent of operating distance between Baltimore and Harrisburg. Based upon those results, and upon factors previously discussed, we find that the operations of trains 570 and 571 between Baltimore and Harrisburg is supported by the traveling and shipping public, although marginally, and is required by the public convenience and necessity.

In contrast, in fiscal 1966 the operations between Harrisburg and Buffalo resulted in an out-of-pocket loss of $184,224, an out-of-pocket loss of $355,779 when adjusted for loss of the RPO car; and a pro forma loss for fiscal 1967 (based upon 1966 operations) of $324,046. Based upon the continuing decline in patronage, future annual losses will equal or exceed the indicated 1967 loss, which would constitute a substantial burden even though suffered by a railroad as financially sound as carrier, and would unduly burden interstate commerce.

Findings have been made at appropriate points in the discussion of specific topics. In balancing these considerations against the relatively small public need for the service and the availability of alternate transportation services, it is clear that discontinuance of the trains between Harrisburg and Buffalo is consistent with the purpose of Section 13a(1) and the objectives of the National Transportation Policy.

Contentions of the parties as to fact or law not specifically discussed herein have been considered and found to be without material significance or not justified.

We find that the operation by The Pennsylvania Railroad Company of its passenger trains Nos. 570 and 571 between Harrisburg, Pa., and Buffalo, N.Y., is not required by public convenience and necessity and that continued operation thereof will unduly burden interstate commerce.

We further find that the continued operation by said railroad of its passenger trains Nos. 570 and 571 between Baltimore, Md., and Harrisburg, Pa., is required by public convenience and necessity and will not unduly burden interstate commerce.

An appropriate order will be entered requiring the carrier to continue the operation of the trains specified between the last-named points for a period of 1 year from the date hereof, and discontinuing the investigation herein.

COMMISSIONER BROWN, dissenting:

The majority has determined (a) that the operation by the Pennsylvania Railroad Company of its passenger trains Nos. 570 and 571 between Harrisburg, Pa., and Buffalo, N.Y., is not required by public convenience and necessity and the continued operation thereof will unduly burden interstate commerce; and (b) that the continued operation by the Pennsylvania Railroad Company of its passenger trains Nos. 570 and 571 between Baltimore, Md., and Harrisburg, Pa., is required by the public convenience

and necessity and will not unduly burden interstate commerce. In my judgment both portions of the involved operations are required by the public convenience and necessity and the continued operation of these trains will not unduly burden interstate or foreign commerce.

As noted earlier, this is not a matter coming before the Commission for the first time. In F. D. No. 21986, *Pennsylvania Railroad Company Discontinuance of Passenger Train Service between Buffalo, N. Y., and Harrisburg, Pa.*, (not printed), decided July 27, 1962 (prior case), the Commission, Division 3, considered discontinuance of the operation between Buffalo and Harrisburg and concluded that the public convenience and necessity required the continued operation. The facts developed five years ago have not materially changed and yet the Commission here reaches a different result.

In the prior case, the Commission, Division 3, found that the night trains operated by the carrier would not be a convenient substitute for the day trains. These night trains have not changed their operations since that time. The availability of other alternate train service has seriously diminished since the Erie-Lackawanna's Phoebe Snow has been discontinued. The available transportation service by air has materially decreased in the past five years. For example, the city of Williamsport, Pa., is now served only by Allegheny Airlines; Olean, N. Y., is served by only one plane and even that service is in doubt. The bus service available does not show any material change. But more important, seven communities are without bus service and most of the available service requires a transfer.

In 1962, 26 witnesses testified in opposition to the proposed discontinuance. Here, some 43 witnesses oppose the proposed discontinuance. Many of the witnesses are representatives of the community, elected officials, civil leaders, and businessmen. They indicate, as in the prior case, that discontinuance of the service would be a handicap to their

communities and to patrons of the service. Although passenger patronage may have decreased, the involved trains are certainly being well utilized. In fact, in 1965-1966, the average number of revenue passengers per trip for train 570 was 44.3; for train 571, 39.2. I consider this significant when the normal consist of the train is one 60 passenger car plus one additional coach on Sundays from Williamsport to Harrisburg. This extra coach was ordered by the Pennsylvania Public Utilities Commission to prevent *overcrowding*. It has also been pointed out that in some instances the passengers were required to stand because the seats were taken.

No reason has been shown how the public interest considerations have changed in the past five years which would warrant a complete reversal of the prior findings. In many respects this record supports a stronger finding that the public convenience and necessity requires the continuation of the involved service than did the earlier record.

This decision has apparently been determined solely upon consideration of the losses purportedly sustained in the operation between Buffalo and Harrisburg. These losses are questionable. The adroit manipulation of figures by cost experts can make almost any operation appear sound or unsound as may be required to suit their purposes and I do not intend to be ruled by the tyranny of figures when evaluating the public interest.

When partial discontinuance was sought in the prior case, the Commission concluded that a substantial amount of patronage would be lost to the operation south of Harrisburg if the operation north of Harrisburg were discontinued, and that it would be doubtful that the Baltimore-Harrisburg run alone would be profitable. Here, the Baltimore-Harrisburg operation has been found to be a borderline operation, from an out-of-pocket viewpoint, and any further loss of revenue would endanger that operation if the Commission were to rely entirely upon out-of-pocket

cost. Therefore, in my judgment, a finding cannot rationally be made that the public convenience and necessity requires one operation while at the same time a related decision is made which will significantly endanger the success of that operation as well as others. These trains are not just isolated operations between Buffalo and Harrisburg. They cross applicant's main line at Harrisburg, which has an important effect on many east-west trains as well as the Baltimore to Harrisburg operations. It should not be discontinued.

I would find that the continued operation of the trains 570 and 571, in their entirety, between Baltimore and Buffalo is required by the public convenience and necessity. The present and future benefit to the people and the area involved from such continued operation outweighs any possible savings which would be gained by applicant. I would also find that the continued operation would not constitute an undue burden on interstate commerce. Applicant's overall financial picture is sound and has been steadily improving. Cf. *Denver & R. G. W. R. Co. Discontinuance of Passenger Ser.*, 317 I.C.C. 722.

APPENDIX A

Schedules effective October 30, 1966, Trains Nos. 549, 571, 575, 548, 554, 570, 574, between Washington, Harrisburg and Buffalo and Connections.

WASHINGTON, NEW YORK, PHILADELPHIA AND WILLIAMSPORT, BUFFALO

Read Down: Northern Express 575 Daily Except Dec. 25 & Jan. 1	Read Down: Buffalo Day Express 571 Daily	EASTERN STANDARD TIME	Read Up: Baltimore Day Express 570 Daily	Read Up: Southern Express 574 Daily Except Dec. 25 & Jan. 1
PM	AM		PM	AM
7.00	*7.00	Lv.....Washington, D. C.....Ar	*9.35	9.15
7.55	8.15	" Baltimore, Md. (Penna. Sta.) "	8.45	8.10
9.33	9.56	"..... York, Pa..... "	6.55	6.30
10.25	10.45	Ar.....Harrisburg, Pa.....Lv	6.00	5.40
3	25	Connecting Train No.	16	4
v6.50	7.30	Lv.New York, N. Y. (Penna. Sta.)Ar	#9.25	8.15
c8.17	9.01	"...North Philadelphia, Pa.... "	#7.53	d6.25
8.51	9.35	"..... Paoli, Pa..... "	#7.22	d5.56
9.43	10.27	"..... Lancaster, Pa..... "	#6.36	.....
10.20	11.10	Ar.....Harrisburg, Pa.....Lv	#5.55	4.29
11.35	11.25	Lv.....Harrisburg, Pa.....Ar	5.43	4.20
f12.10	.....	"..... Millersburg, Pa..... "	5.08	.....
12.41	12.32	"..... Sunbury, Pa..... "	4.28	3.05
f1.00	.....	"..... Montandon, Pa..... "	.....	f2.50
f1.07	12.57	"..Milton, Pa., (q Lewisburg). "	4.14	.....
f1.13	.....	"..... Watsontown, Pa..... "	.....	f2.41
f1.21	.....	"..... Montgomery, Pa..... "	.....	.....
.....	1.17	"..... Muncy, Pa..... "	3.52	.....
2.15	2.02	Ar.....Williamsport, Pa.....Lv	3.08	1.35
2.15	2.02	Lv.....Williamsport, Pa.....Ar	3.08	1.35
.....	.....	"..... Jersey Shore, Pa..... "	2.43	.....
3.12	2.48	"..... Lock Haven, Pa..... "	2.24	12.58
3.52	3.27	"..... Renovo, Pa..... "	1.35	12.14
5.10	4.46	"..... Emporium, Pa..... "	12.31	11.06
5.52	5.27	"..... Port Allegany, Pa..... "	11.52	10.40
.....	f5.46	"..... Eldred, Pa..... "	f11.34	.....
6.30	6.06	"..... Olean, N. Y..... "	11.06	9.44
.....	6.40	"..... Franklinville, N. Y..... "	10.40	.....
.....	f6.57	"..... Arcade, N. Y..... "	.....	.....
7.45	7.21	"..... East Aurora, N. Y..... "	9.51	8.18
8.30	8.05	Ar.Buffalo, N.Y. (Central Term.)Lv	9.15	7.45
AM	PM		AM	PM

Washington-Harrisburg

Read Down: Buffalo Day Express 571 Daily	Read Down: The General 549 Daily	Read Down: Northern Express 575 Daily Except Dec. 25 & Jan. 1	EASTERN STANDARD TIME	Read Up: The General Southern Express 548 Daily	Read Up: 554 Daily Except Dec. 25 & Jan. 1	Read Up: Baltimore Day Express 570 Daily
170	154				174	175
AM	PM	PM	Connecting Train No.	AM	PM	PM
NLB	NLB				NLB	NLB
u7.00	u5.00	7.00	Lv..Washington, D.C...Ar	9.15	6.50	9.35
7.45	5.45	7.40	Ar...Baltimore, Md...Lv	8.10	u6.09	*8.53
8.15	6.00	7.55	Lv...Baltimore, Md...Ar	8.10	5.05	8.45
9.10	.....	.....	"..New Freedom, Pa..Lv	.....	.....	f7.30
9.21	.....	.....	"...Glen Rock, Pa... "	.....	.....	f7.22
9.56	7.35	9.33	"..... York, Pa..... "	6.30	3.26	6.55
10.45	8.20	10.25	Ar..Harrisburg, Pa...Lv	5.40	2.40	6.00
AM	PM	PM		AM	PM	PM

REFERENCE NOTES

* Connecting train. Passengers change trains at Baltimore.

\# Daily except Saturdays. On Saturdays 1 hour later at all points.

c Stops only to receive passengers

d Stops only to discharge passengers.

e On Saturdays and Dec. 25 and Jan. 1 connection leaves Washington 4.30 PM

f Stops only on signal or notice to agent or conductor to receive or discharge passengers.

q Beachel Cab Co. operates taxi service between Lewisburg and Milton--Phone 742-9651. Fare one way $1.60 for one passenger and 50¢ for each additional passenger.

u No checked baggage Washington to Baltimore.

v Stops only to receive passengers for points west of Philadelphia.

NLB No local checked baggage handled on this train.

APPENDIX B

POPULATION
Actual 1940-1950-1960
Estimated 12-31-65

		Local Population				Metropolitan Area Population			
		12-31-65	1960	1950	1940	12-31-65	1960	1950	1940
Baltimore, Md.	(1)	923,500	939,024	949,708	859,100	1,873,100	1,727,023	1,405,399	1,046,69
New Freedom, Pa.	(2)	-	1,395	1,271	1,137	-	-	-	-
Glen Rock	(2)	-	1,546	1,477	1,412	-	-	-	-
York	(2)	52,400	54,504	59,953	56,712	314,000	238,336	202,737	92,62
Harrisburg	(3)	78,500	79,697	89,544	83,893	402,400	345,071	292,241	173,36
Millersburg	(4)	-	2,984	2,861	2,959	-	-	-	-
Sunbury	(5)	12,800	13,687	15,570	15,462	-	-	-	-
Milton	(5)	-	7,972	8,578	8,313	-	-	-	-
Muncy	(6)	-	2,830	2,756	2,606	-	-	-	-
Williamsport	(6)	40,400	41,967	45,047	44,355	115,100	109,000	-	-
Jersey Shore	(6)	-	5,613	5,595	5,432	-	-	-	-
Lock Haven	(7)	11,300	11,748	11,381	10,810	-	-	-	-
Renova	(7)	-	3,316	3,751	3,784	-	-	-	-
Emporium	(8)	-	3,397	3,646	3,775	-	-	-	-
Port Allegany	(9)	-	2,742	2,519	2,356	-	-	-	-
Eldred	(9)	-	1,107	1,199	1,051	-	-	-	-
Olean, N. Y.	(10)	21,300	21,868	22,884	21,506	-	-	-	-
Franklinville	(10)	-	2,124	2,092	1,884	-	-	-	-
Arcade	(11)	-	1,930	1,818	1,683	-	-	-	-
East Aurora	(12)	-	6,791	5,962	5,253	-	-	-	-
Buffalo	(12)	505,000	532,759	580,132	575,901	1,414,200	1,306,957	1,089,230	857,719

Note: Blank spaces - no figures available

Source: 1940-1950-1960-Bureau of Census, U. S. Dept. of Commerce (Rand McNally Atlas)
12-31-65 - Sales Management - 1966 Survey of Buying Power (June 10, 1966 issue)

Counties: (1) Independent City
(2) York
(3) Dauphin
(4) Berks
(5) Northumberland
(6) Lycoming
(7) Clinton
(8) Cameron
(9) McKean
(10) Cattaraugus
(11) Wyoming
(12) Erie

Order

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 3, held at its office in Washington, D. C., on the 3rd day of May A. D. 1967.

Finance Docket No. 24398

PENNSYLVANIA RAILROAD COMPANY DISCONTINUANCE OF TRAINS NOS. 570 AND 571 BETWEEN BUFFALO, N. Y., AND BALTIMORE, MD.

Investigation of the matters and things involved in this proceeding having been made pursuant to the order of said Division, dated January 3, 1967, a hearing having been held and the said Division on the date hereof having made and filed a report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That the Pennsylvania Railroad Company be, and it is hereby, required to continue the operation of its passenger trains Nos. 570 and 571 between Baltimore, Md., and Harrisburg, Pa., for a period of one year from the date hereof.

It is further ordered, That this investigation be, and it is hereby, discontinued effective 35 days from the date of service of this order.

By the Commission, Division 3.

H. NEIL GARSON
Secretary

(SEAL)

APPENDIX D

Order

Service Date
July 14, 1967

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 3, acting as an Appellate Division, held at its office in Washington, D. C., on the 6th day of July, 1967.

Finance Docket No. 24398

PENNSYLVANIA RAILROAD COMPANY DISCONTINUANCE OF TRAINS NOS. 570 AND 571 BETWEEN BUFFALO, N. Y., AND BALTIMORE, MD.

Upon consideration of the record in the above-entitled proceeding, including the petitions filed May 25, 1967, of the Pennsylvania Public Utility Commission, various railroad brotherhoods, municipalities, boroughs, community organizations, and individuals, listed in the appendix, and of the Public Service Commission of the State of New York, filed June 12, 1967, for reconsideration of the report and order of the Commission, Division 3, dated May 3, 1967, which found, *inter alia*, that operation by The Pennsylvania Railroad Company of its passenger trains Nos. 570 and 571 between Harrisburg, Pa., and Buffalo, N. Y., is not required by public convenience and necessity and the continued operation thereof will unduly burden interstate commerce; and the reply to the petitions by The Pennsylvania Railroad, filed June 22, 1967; and

It appearing, That total operating expenses in the amount of $909,912 incurred in the operation of trains Nos. 570 and 571 between Buffalo and Harrisburg for the fiscal year ended June 1966, exceeded aggregate revenues of $676,157, including 50 percent of total feeder revenues of $244,049, thus resulting in operating loss of $233,755; that other material matters set forth in the petitions for reconsideration

have been considered by Division 3, and discussed in its report; that the decision is based upon adequate findings supported by the record; that there has been presented no error of fact or law with respect to the matters complained of by the petitioners herein; and that no showing has been made warranting reconsideration:

And it further appearing, That section 13a(1) of the act authorizes a carrier to file a notice of a proposed discontinuance or change of service of a train, *in whole or in part,* and permits the Commission, after a hearing and investigation, to require the continuance of such train service, *in whole or in part,* for one year or less, and that these two provisions are not so interrelated that the Commission is precluded from requiring the continuance of only a portion of a train service where the carrier gave notice of its intention to discontinue the entire service;

It is ordered, That the petitions be, and they are hereby denied.

And it is further ordered, That the order of May 3, 1967, shall be effective 20 days from the date this order is served.

By the Commission, Division 3, acting as an Appellate Division.

H. Neil Garson,
Secretary.

(Seal)

Appendix

Petition for reconsideration was filed jointly by protestants Cooperative Legislative Committee — Railroad Brotherhoods in Pennsylvania, Brotherhood of Railway Trainmen—State of New York, Brotherhood of Railroad Trainmen—State of Pennsylvania, and Brotherhood of Railway Clerks; a joint petition was also filed on behalf of protestants, City of Williamsport, City of Buffalo, City of Lock Haven, Borough of Renova, Clinton County Commissioners, Milton, Pa., Chamber of Commerce, Milton

Area Industrial Development Association, Renovo Community Trade Association, Renovo Rotary Club, P.R.R. Retired Men's Association No. 8 Renovo, Pa., W. Max Bossert, George Hamilton Forman, and Milton J. Shapp, and of the Oakleigh Manor Civic Association in Baltimore, Md. (the last-mentioned filed June 12, 1967).

APPENDIX E

Service Date
January 4, 1967

Order

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 3, held at its office in Washington, D. C., on the 3rd day of January A.D., 1967.

Finance Docket No. 24398

PENNSYLVANIA RAILROAD COMPANY DISCONTINUANCE OF TRAINS NOS. 570 AND 571 BETWEEN BUFFALO, N. Y. AND BALTIMORE, MD.

It appearing, That on December 7, 1966, the Pennsylvania Railroad Company filed with this Commission notices under section 13a(1) of the Interstate Commerce Act, as amended, that effective January 15, 1967, said carrier will discontinue service of its passenger trains Nos. 570 and 571 between Buffalo, N. Y., and Baltimore, Md.

It further appearing, That complaints by certain individuals, associations, communities, and by railway employees have been received requesting suspension of the proposed discontinuance pending investigation to determine the extent of public need for the trains in question;

It further appearing, That discontinuance of the said train service by the Pennsylvania Railroad Company may not be warranted by the public convenience and necessity, and that operation of such service may not unduly burden interstate commerce;

It further appearing, That the due and timely execution of this Commission's functions in this proceeding imperatively and unavoidably requires the omission of an examiner's recommended decision herein, for the reason that under the provisions of section 13a(1) of the Interstate Commerce Act, the said train service may be discontinued unless a decision herein is made before expiration of the four-month period hereinafter provided for;

It is ordered, That an investigation of the proposed discontinuance of train service described hereinabove, be, and it is hereby, instituted under the provisions of section 13a(1) of the Interstate Commerce Act, and that the matter be assigned for hearing at a time and place hereafter to be fixed;

It is further ordered, That the train service described hereinabove be continued pending hearing and decision in said investigation, but not for a longer period than four months beyond the date when the discontinuance otherwise would have become effective unless otherwise ordered herein; and

It is further ordered, That a recommended decision by the examiner to whom the investigation is assigned for hearing be omitted as part of the decision-making process in this proceeding, and the record herein shall be considered as certified to the Commission, Division 3, for initial decision when received by the Secretary of the Commission for filing in the docket.

By the Commission, Division 3.

H. NEIL GARSON,
Secretary.

(SEAL)

APPENDIX F

Order

Service Date
March 7, 1967

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 3, held at its offices in Washington, D. C., on the 3rd day of March, A. D. 1967.

Finance Docket No. 24398

PENNSYLVANIA RAILROAD COMPANY DISCONTINUANCE OF TRAINS NOS. 570 AND 571 BETWEEN BUFFALO, N. Y. AND BALTIMORE, MD.

It appearing, That on February 27, 1967, certain protestants filed an Appeal to Division 3 from the ruling of the hearing examiner overruling motions by protestants to strike the testimony of a witness for The Pennsylvania Railroad Company concerning exhibits identified as Nos. H-46, H-47, and H-48;

It further appearing, That the evidence sought to be stricken was in support of three proposed exhibits which have not yet been offered in evidence, and that the evidence and the proposed exhibits purport to show financial results of the operation of Trains Nos. 570 and 571 over the segment of railroad between Buffalo and Harrisburg, Pa., and exclude the results of operation on the remaining segment of railroad over which the trains operate between Harrisburg and Baltimore, Md.;

It further appearing, That the claimed financial results of operations over the entire route of the subject trains between Buffalo and Baltimore have been shown in evidence and in exhibits on previous days of hearing.

And it further appearing, That evidence of the financial results of operations of the trains between Buffalo and Harrisburg are germane to the investigation by the Commission of the proposed discontinuance of Trains Nos. 570 and 571 and may well be helpful to the Commission

in making its ultimate findings and conclusions, and its determination of the investigation:

It is ordered, That the ruling of the hearing examiner in open hearing which denied the protestants' motion to strike The Pennsylvania Railroad Company's evidence concerning the financial results of operation of the trains between Buffalo, N. Y., and Harrisburg, Pa., be, and it is hereby, sustained.

By the Commission, Division 3.

H. NEIL GARSON,
Secretary.

(SEAL)

APPENDIX G

Summary of Decisions of Interstate Commerce Commission Under Section 13a(1) for the Period Jan. 1, 1967 Through April 30, 1968

	Trains	Granted	Denied
A. COMPLETE DISCONTINUANCE SOUGHT	70		
Complete Granted		47	
Partial Granted		9	
Application Denied			14
Totals	70	56	14
Percentage	100%	80%	20%
B. PARTIAL DISCONTINUANCE SOUGHT	64		
Partial Granted		60	
Application Denied			4
Totals	64	60	4
Percentage	100%	94%	6%
C. GRAND TOTAL	134	116	18
Percentage	100%	87%	13%

This Appendix Prepared By:

JOHN G. CLAPP
Dodge House (Rm. 331)
Washington, D. C.

Decisions of the Interstate Commerce Commission Under Section 13a(1)
for the Period January 1, 1967 Through April 30, 1968
(Summary on p. 43a)

Sheet No. One of Four Sheets

Date of ICC Decision	Docket Number	Railroad	Trains	Actual No. of Trains Involved	Train Name	Terminii	Partial Discontinuance Applied For	Partial Discontinuance Granted	Complete Discontinuance Granted
1/17/67†	FD 24424	SOU	35-36	2		Chattanooga-Memphis			X
1/25/67 (R)	FD 24000	B&M	20-21, 75-76	4	Ambassador Montrealer Washingtonian	Springfield, Mass.-White River Jct., Vt.	X	X	
2/13/67	FD 24277	WP	17-18	2	California Zephyr	San Francisco-Salt Lake City	X		
2/15/67	FD 24337	CRI&P	39-40	2		Kansas City-Tucumcari, N. M.	X	X	
3/ 1/67	FD 24348	IC	8	1	Creole	Memphis-Carbondale, Ill.	X	X	
3/ 1/67	FD 24348	IC	15-16	2	Chickasaw	Carbondale, Ill.-Memphis	X	X	
3/ 1/67	FD 24348	IC	4	1	Louisiane	New Orleans-Memphis	X	X	
3/ 1/67	FD 24348	IC	25	1	(Southern Express)	Carbondale, Ill.-New Orleans	X	X	
3/20/67	FD 23470	CRI&P CB&Q	19-190-8 15-201-20	2	(Zephyr Rocket)	Minneapolis-St. Louis			X
4/24/67	FD 24383	FRISCO	1-2	2	Oklahoman	St. Louis-Oklahoma City			X
5/ 3/67	FD 24398	PRR	570-571	2	Day Express	Baltimore-Buffalo		X	
5/11/67 (R)	FD 24061	MoP-IC	53-38 52-35	2	(The Houstonian)	Houston-New Orleans			X
5/15/67	FD 24404	D&RGW	7-8	2	Prospector	Denver-Salt Lake City			X
6/ 5/67	FD 24435	C&O	43-46 3-4 47-46	6	F.F.V.—Sportsman	Washington, D. C.-Cincinnati Portsmouth, Va.-Charlottesville, Va. Ashland, Ky.-Detroit			
6/19/67†	FD 24615	CB&Q	7	1		Chicago-Omaha	X	X	
6/20/67	FD 24462	CB&Q	33-7 8-34	2		Alliance, Nebr.-Brush, Colo.	X	X	
7/26/27	FD 24499	IC	13-14	2	Land O'Corn	Chicago-Waterloo, Iowa			X

Sheet No. Two of Four Sheets

Date of ICC Decision	Docket Number	Railroad	Trains	Actual No. of Trains Involved	Train Name	Terminii	Partial Discontinuance Applied For	Partial Discontinuance Granted	Complete Discontinuance Granted
8/11/67	FD 24529	SP	39-40	2		Tucumcari, N. M.-Los Angeles	X(L)	X(L)	
8/24/67	FD 24545	CB&Q	42-43	2		Billings, Mont.-Alliance, Nebr.	X		
8/24/67	FD 24546	C&S-CB&Q	29-30	2		Denver-Billings, Mont.			X
8/30/67	FD 24542	MONON	5-6	2	Thoroughbred	Chicago-Louisville			X
8/31/67	FD 24562	C&S-FW&D	2-7	2	Texas Zephyr	Dallas-Denver			X
9/ 5/67	FD 24558	N&W	110-111	2	Banner Blue	St. Louis-Chicago			X
9/ 5/67	FD 24558	N&W	301-304	2	Wabash Cannonball	St. Louis-Detroit			
9/19/67	FD 24571	SOU	35-34	2	Piedmont Ltd.	Washington, D. C.-Salisbury, N. C.	X(L)	X(L)	
9/19/67†	FD 24728	CB&Q	8	1		Omaha-Chicago	X	X	
9/21/67	FD 24589	MILW	19-20	2	The Arrow	Chicago-Omaha			X
9/27/67	FD 24595	NP	3-4	2	(The Alaskan)	St. Paul, Minn.-Jamestown, N. D.	X(L)	X(L)	
10/ 6/67	FD 24616	CRI&P	15-16	2	(Kansas City Rocket)	Minneapolis-Kansas City			X
10/19/67††	FD 24772	ATSF	3-4	2		Kansas City-Gallup, N. M.			X
10/19/67††	FD 24474	ATSF	7-8	2		Chicago-Bakersfield, Calif.			X
10/26/67†	FD 24771	CRI&P	21-22	2		Memphis-Tucumcari, N. M.			X
11/ 1/67†	FD 24779	SP	21-22	2		Ogden, Utah-Oakland, Calif.			X
11/ 7/67	FD 24625	MoP	31-32	2		Little Rock, Ark.-Alexandria, La.	X(L)	X(L)	
11/21/67†	FD 24812	SOU	47	1	Southerner	Washington, D. C.-Atlanta	X	X	

Sheet No. Three of Four Sheets

Date of ICC Decision	Docket Number	Railroad	Trains	Actual No. of Trains Involved	Train Name	Terminii	Partial Discontinuance Applied For	Partial Discontinuance Granted	Complete Discontinuance Granted
11/21/67†	FD 24812	SOU	36	1	Peach Queen	Atlanta-Washington, D. C.			X
11/22/67	FD 24646	L&N	53-92	2	Hummingbird-Georgian	St. Louis-Nashville		X	
11/24/67†	FD 24809	FRISCO	101-102	2	Southland	Kansas City-Birmingham			X
11/28/67	FD 24645	IC	3	1	Louisiane	Memphis-New Orleans	X	X	
11/28/67	FD 24645	IC	8	1	Creole	New Orleans-Memphis	X(L)	X(L)	
12/ 5/67	FD 24827	CB&Q	7-8	2		Omaha-Denver	X(L)	X(L)	
12/19/67†	FD 24836	SCL	77-78	2	Palmetto	Richmond, Va.-Florence, S. C.	X	X	
1/25/68	FD 24725	C&EI	93-54	2	Georgian-Hummingbird	Chicago-Evansville, Ind.	X	X	
1/26/68	FD 24723	PRR	453-456	2		Chicago-Valparaiso, Ind.			
2/ 7/68†	FD 24923	SCL	17-18	2	Tidewater	Portsmouth, Va.-Raleigh, N. C.	X	X	
2/ 9/68	FD 24739	GN	11-14	2	Red River	St. Paul, Minn.-Fargo, N. D.	X(L)	X(L)	
2/15/68	FD 24746	CRI&P-SP	3-4	2	Golden State	Chicago-El Paso, Tex.	X	X	
2/15/68†	FD 24931	L&N	14-19	2	Hummingbird	Memphis-Bowling Green, Ky.	X	X	
2/21/68†	FD 24942	L&N	17-18	2	(Flamingo)	Cincinnati-Atlanta	X(L)	X(L)	
2/26/68	FD 24759	CB&Q	22	1	Morning Zephyr	Minneapolis-Chicago			X
2/26/68	FD 24759	CB&Q	23	1	Afternoon Zephyr	Chicago-Minneapolis		X(D)	
2/26/68	FD 24760	MILW	55-58	2		Chicago-Minneapolis			
2/29/68†	FD 24952	L&N	1-2	2		Nashville-Atlanta			X
3/ 1/68	FD 24766	MILW-SOO	9-49 48-10	2	Copper Country Ltd.	Milwaukee, Wis.-Calumet, Mich.	X	X	

Sheet No. Four of Four Sheets

Date of ICC Decision	Docket Number	Railroad	Trains	Actual No. of Trains Involved	Train Name	Terminii	Partial Discontinuance Applied For	Partial Discontinuance Granted	Complete Discontinuance Granted
3/ 1/68	FD 24773	ATSF	47-48	2	Oil Flyer	Kansas City-Tulsa			X
3/ 1/68	FD 24773	ATSF	211-212	2	Tulsan	Kansas City-Tulsa			
3/ 6/68†	FD 24970	UP	69-70	2		Kansas City-Salina, Kans.			X
3/11/68†	FD 24976	SCL	53-54	2		Florence, S. C.-Augusta, Ga.	X	X	
3/12/68	FD 24780	NYC	312-341	2	(Knickerbocker) (The Southwestern)	St. Louis-Indiana/Ohio State Line	X(L)	X(L)	
3/12/68	FD 24781	NYC	57-96	2		Chicago-Indiana/Ohio State Line	X(L)	X(L)	
3/12/68••	FD 24977	B&O	Consolidation of 37-40 with 51-52	2 Eliminated	Potomac Flyer	Washington, D. C.-Brunswick, Md.	X	X	
3/18/68†	FD 24984	IC	205-208	2	(Southwestern Ltd.) (Northeastern Ltd.)	Vicksburg, Miss.-Shreveport, La.	X(L)	X(L)	
3/19/68†	FD 24986	SOU	45-46	2	Tennessean	Chattanooga-Memphis	X(L)	X(L)	
3/21/68†	FD 24925	SOU	1-2	2	Ponce de Leon	Cincinnati-Atlanta		X	
3/28/68	FD 24818	ATSF	13-14	2	El Pasoan	El Paso, Tex.-Albuquerque, N. M.			X
4/ 2/68	FD 24821	CB&Q	35-36	2	Kansas City Zephyr	Chicago-Kansas City		X	
4/ 8/68†	FD 25028	PNYCTC	94-95	2	Kentuckian	Louisville, Ky.-Logansport, Ind.	X	X	
4/11/68	FD 24819	ATSF	9	1	Kansas City Chief	Chicago-Kansas City			X
4/11/68	FD 24819	ATSF	11	1	Kansas Cityan	Kansas City-Ft. Worth-Dallas			X
4/11/68	FD 24819	ATSF	12	1	Chicagoan	Dallas-Ft. Worth-Chicago			X
4/17/68†	FD 25041	SCL	3-4	2		Richmond-Atlanta	X	X	

Terminii	Partial Discontinuance Applied For	Partial Discontinuance Granted	Complete Discontinuance Granted
Kansas City-Tulsa			X
Kansas City-Tulsa			
Kansas City-Salina, Kans.			X
Florence, S. C.-Augusta, Ga.	X	X	
St. Louis-Indiana/Ohio State Line	X(L)	X(L)	
Chicago-Indiana/Ohio State Line	X(L)	X(L)	
Washington, D. C.-Brunswick, Md.	X	X	
Vicksburg, Miss.-Shreveport, La.	X(L)	X(L)	
Chattanooga-Memphis	X(L)	X(L)	
Cincinnati-Atlanta		X	
El Paso, Tex.-Albuquerque, N. M.			X
Chicago-Kansas City		X	
Louisville, Ky.-Logansport, Ind.	X	X	
Chicago-Kansas City			X
Kansas City-Ft. Worth-Dallas			X
Dallas-Ft. Worth-Chicago			X
Richmond-Atlanta	X	X	

† — Not investigated.

†† — ICC (Division 3) concluded not to investigate on date shown. Railroad's notice was later dismissed for lack of jurisdiction.

** — ICC (Division 3) concluded not to investigate on date shown. Subsequently, an investigation was instituted, but consolidation of the trains was permitted, pending service of a Commission report and order.

(R) — Report on reconsideration.

(L) — Final segment of a former through train. Other segments of the through train or service so marked had been discontinued since 1958.

(D) — Route of this train was not segmented by ICC's decision, but continuance of service was required by the Commission (Division 3) only on two days of the week. Train had previously operated daily.

When train name appears in parentheses, the name was no longer being used at the time of discontinuance.

Railroad Abbreviations as Used in Table.

ATSF — Atchison, Topeka & Santa Fe
B&M — Boston and Maine
B&O — Baltimore & Ohio
CB&Q — Chicago, Burlington & Quincy
C&EI — Chicago & Eastern Illinois
C&O — Chesapeake & Ohio
CRI&P — Chicago, Rock Island & Pacific
C&S — Colorado & Southern
D&RGW — Denver & Rio Grande Western
FRISCO — St. Louis — San Francisco
FW&D — Ft. Worth & Denver
GN — Great Northern
IC — Illinois Central
L&N — Louisville & Nashville
MILW — Chicago, Milwaukee, St. Paul & Pacific
MoP — Missouri Pacific
NP — Northern Pacific
N&W — Norfolk & Western
NYC — New York Central
PNYCTC — Pennsylvania New York Central Transportation Company
PRR — Pennsylvania Railroad
SCL — Seaboard Coast Line
SOO — Soo Line
SOU — Southern Railway
SP — Southern Pacific
UP — Union Pacific
WP — Western Pacific